




CLOSED CASE SUMMARY

ISSUED DATE: AUGUST 2, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0068

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.002 - Responsibilities of Employees Concerning Alleged Policy Violations, 5.002-POL 4. Retaliation is Prohibited	Not Sustained - Inconclusive
# 2	5.002 - Responsibilities of Employees Concerning Alleged Policy Violations, 5.002-POL 3. Employees Shall Not Discourage, Interfere With, Hinder...	Not Sustained - Inconclusive

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

The Complainant alleged that the named employee (NE) retaliated by attempting to discourage him from following through with an OPA complaint against NE.

ADMINISTRATIVE NOTE:

The Seattle Office of Inspector General (OIG) certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

The Complainant had a pending OPA complaint¹ involving NE. During a February 3, 2023, OPA interview, the Complainant said that NE called him, trying to dissuade the Complainant from cooperating with a pending OPA case. On February 22, 2023, OPA interviewed the Complainant about that allegation. The Complainant presented OPA with his phone activity, showing outgoing calls to NE's phone number² on December 30, 2022, and January 2, 2023, and a returned call on January 5, 2023. OPA probed for details about the alleged phone conversations. Instead, the Complainant unleashed a barrage of claims, including that NE participated in an "assassination attempt" against the Complainant and NE's captain killed innocent civilians in the Iraq War. Eventually, the Complainant stated that NE confronted him about the OPA complaint, saying, "Don't you know that you were not supposed to do that?" He also told OPA that NE said he broke into the Complainant's apartment "to teach [the Complainant] a lesson to not talk to anybody else and to keep [his] mouth shut." Last, the Complainant said that NE admonished him against speaking with OPA or the media.

¹ 2022OPA-0428.

² Listed as "[NE]- Crisis Response Unit-Seattle Police" in the Complainant's phone.



On April 10, 2023, OPA interviewed NE. NE worked on SPD's Crisis Response Team (CRT), an alternative response team for community members suspected of experiencing mental crises, for five years. NE knew the Complainant from contacts years prior. NE said that during a prior dispute between the Complainant and his neighbors, the Complainant insisted that NE take a dead rat as evidence. NE said he and his partner received several calls from the Complainant at the Southwest Precinct. NE stated that the Complainant routinely alleged that the Southwest Precinct officers were antisemitic. NE also discussed a December 14, 2022, wellness check he conducted on the Complainant, the subject of a separate OPA complaint.

NE said he received notice about the Complainant's OPA complaint on December 21, 2022. NE said that over the following days, the Complainant called him, leaving voicemails requesting callbacks. NE admitted to returning the Complainant's call, during which the Complainant asked to meet over tea or coffee. NE said he declined and wanted to keep their interactions "completely professional." NE denied attempts to dissuade the Complainant from cooperating with OPA's investigation and confirmed that the number in the Complainant's phone activity belonged to him.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.002 - Responsibilities of Employees Concerning Alleged Policy Violations 5.002-POL 4. Retaliation is Prohibited

The Complainant alleged that NE retaliated against him for making an OPA complaint.

SPD prohibits retaliation against anyone exercising a constitutional right or engaging in lawful behavior, including discouragement, intimidation, coercion, or interfering with an administrative investigation. See SPD Policy 5.002-POL-4.

Here, the evidence showed that NE returned the Complainant's call after the Complainant twice initiated contact with NE. However, the substance of that call is disputed. The Complainant claimed that NE tried to dissuade him from cooperating with OPA, while NE suggested that he merely declined to have coffee with the Complainant. Where no evidence corroborates either account, OPA recommends a Not Sustained – Inconclusive finding.

Recommended Finding: **Not Sustained - Inconclusive**

Named Employee #1 - Allegation #2

5.002 - Responsibilities of Employees Concerning Alleged Policy Violations 5.002-POL 3. Employees Shall Not Discourage, Interfere With, Hinder...

Employees shall not discourage, interfere with, hinder, or obstruct any person from filing a complaint or conducting or cooperating with an investigation of an allegation of a policy violation. SPD Policy 5.002-POL-3.

OPA recommends a Not Sustained- Inconclusive finding for the reasons at Named Employee #1 – Allegation #1.

Recommended Finding: **Not Sustained - Inconclusive**